



DEPARTMENT OF THE NAVY

COMMANDER
U.S. FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK, VA 23551-2487

5720

Ser N01P1 (2015-05-000093)/028

December 2, 2014

Mr. John Greenewald, Jr.

Dear Mr. Greenewald:

This letter responds to your Freedom of Information Act (FOIA) request dated October 5, 2014, wherein you request a "a copy of records, electronic or otherwise, pertaining to a "Bent Spear" incident that occurred on August 5, 1983 at the weapons pier along the York River on Naval Weapons Station Yorktown, Virginia." Your request was received in this office, on November 3, 2014, and assigned case file number 2015-05-000093.

The Secretary of the Navy Instruction M-5210.1 provides specific guidance on the retention and/or destruction of all official records. Accordingly, many records are destroyed on schedule unless otherwise required by law to be retained or transferred to the National Archives and Records Administration (NARA). Although the potential records you seek would be almost 30 years old as of today's date, in accordance with the Department of the Navy's FOIA regulations, a diligent search was conducted of the U.S. Fleet Forces Headquarters and Naval Munitions Command, Yorktown, Virginia, where these records might logically exist. No responsive records were found. Because of their age, the records you seek were likely destroyed and no longer exist.

However, inquiries were made on your behalf to Commander, Naval Installations Command (CNIC); Navy History and Heritage Command (CNHHC); Naval Sea Systems Command (NAVSEA); Commander, Submarine Force, Atlantic (CSL); Naval Safety Center (NAVSAFECEN); and OPNAV N97. None of these places had any responsive documents. In light of my efforts above, if you can provide more specific information related to the potential location of the records you seek, I recommend you send that renewed request to the National Archives and Records Administration (NARA), the only agency likely to hold documents of this age. You may contact them using the information below:

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National Archives and Records Administration
FOIA Officer
8601 Adelphi Rd
College Park, MD 20740-6001

or,

foia@nara.gov.

Because you have received a "no records" response from this command, you may appeal this determination by writing to:

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14
1322 Patterson Ave, SE, Suite 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within sixty (60) calendar days from the date of this letter. A copy of your initial request and this response letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and the face of the letter and should contain a brief statement of the reasons you believe this decision to be in error.

I am the official responsible for this determination. Please contact Ms. Linda Alvers at (757)836-3630 if you require further assistance regarding this action.

Sincerely,



LAWRENCE D. HILL
By direction

Copy to:
Serial file
Case file